

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SECOND DAY — THURSDAY, FEBRUARY 16, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 27).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Heflin; Hernandez; Hightower; Hilbert; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Hawley; Hilderbran; Hunter, T.; Pitts; Solis.

Absent — Clemons; Hudson; Marchant; Price.

The invocation was offered by Reverend Curtis R. Lucas, pastor, Mount Carmel Missionary Baptist Church, Richmond, as follows:

Our Heavenly Father, creator of all mankind. In humble submission, I approach thy throne asking your choice blessings upon this legislative body. Requesting that you instill wisdom, purposely guide and direct in all they attempt. Give each a keen sense of duty and service to and for those they represent from the panhandle to the valley, from the deserts of west Texas to the forest lands of the east. Be everything that we need. Give power to the faint and to those that have no might—increase their strength—that they may mount up with wings as eagles—to run and not be weary, walk and not faint. Bless our governor, representatives, senators, and each branch of our state government. Bless their families—make their homes prosperous and places of peace, love, and prayer. As a result, we will be careful to give you the praise, honor, and glory. These and all blessings we ask in thy son Jesus' name—amen and thank God.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

T. Hunter on motion of Alexander.

Solis on motion of R. Cuellar.

The following member was granted leave of absence for today because of important business in the district:

Pitts on motion of Crabb.

The following member was granted leave of absence for today because of illness:

Hilderbran on motion of McCall.

The following member was granted leave of absence for today because of official business:

Hawley on motion of Kubiak.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled resolutions:

HCR 79, HCR 80, HCR 82, HCR 84, SCR 30

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

The speaker recognized Representative B. Hunter who led the house in the pledge of allegiance to the state flag of Texas in honor of the sesquicentennial celebration of Texas statehood:

Honor the Texas flag; I pledge allegiance to thee, Texas, one
and indivisible.

Representative B. Hunter recognized the members of the Committee on State, Federal, and International Relations, and Representatives Johnson and Van de Putte.

Representative Johnson addressed the house regarding sesquicentennial events.

HR 167 - ADOPTED

Representative McCoulskey moved to suspend all necessary rules to take up and consider at this time **HR 167**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By McCoulskey,

HR 167, Congratulating Reverend Curtis R. Lucas of Mount Carmel Missionary Baptist Church on being named Small Community Minister of the Year.

The resolution was read and was adopted without objection.

On motion of Representative West, the names of all the members of the house were added to **HR 167** as signers thereof.

MESSAGE FROM THE SENATE

Austin, Texas, February 16, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 15 by Siebert (Sponsor-Wentworth), paying tribute to the life of Lieutenant Kara Hultgreen.

SCR 46 by Nelson, et al., calling for participation in and the convening of the Conference of the States to propose, debate, and vote on elements of an action plan to restore checks and balances between states and the national government.

SB 25 by Sibley, Lucio, et al., relating to exemplary damages in civil suits.

SB 172 by Luna, Gregory, relating to certain records of transactions conducted under durable powers of attorney.

SB 215 by Truan, et al., relating to the establishment of a self-employment assistance program.

SB 414 by Montford, relating to the restricted sale of wine for off-premises consumption by the holder of a winery permit located in certain dry areas.

Respectfully,
Betty King
Secretary of the Senate

CAPITOL PHYSICIAN

Speaker Laney presented Dr. David Lensch of Rockwall as the "Doctor for the Day."

The house welcomed Dr. Lensch and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Black in the chair)

(Clemons now present)

HR 199 - ADOPTED

Representative Johnson moved to suspend all necessary rules to take up and consider at this time **HR 199**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Johnson,

HR 199, Recognizing February 12-18, 1995, as National Vocational-Technical Education Week.

The resolution was read and was adopted without objection.

On motion of Representative Kubiak, the names of all the members of the house were added to **HR 199** as signers thereof.

HR 174 - ADOPTED

Representative Combs moved to suspend all necessary rules to take up and consider at this time **HR 174**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Combs,

HR 174, Commending all VISTAs and volunteers involved in public health services in Texas.

The resolution was read and was adopted without objection.

On motion of Representative Naishtat, the names of all the members of the house were added to **HR 174** as signers thereof.

HR 194 - ADOPTED

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Edwards,

HR 194, Congratulating the Honorable Harold V. Dutton, Jr., on the occasion of his 50th birthday.

The resolution was read and was adopted without objection.

On motion of Representative J. Jones, the names of all the members of the house were added to **HR 194** as signers thereof.

HR 200 - ADOPTED

Representatives Goolsby, Carona, and Marchant moved to suspend all necessary rules to take up and consider at this time **HR 200**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By Goolsby,

HR 200, Congratulating Richard L. Ensweiler on his new position as president and chief executive officer of the Texas Credit Union League.

(Hudson now present)

The resolution was read and was adopted without objection.

On motion of Representative Carona, the names of all the members of the house were added to **HR 200** as signers thereof.

HR 180 - ADOPTED

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 180**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By J. Jones,

HR 180, Commending Mable M. Chandler for her contributions to public education.

The resolution was read and was adopted without objection.

On motion of Representative Giddings, the names of all the members of the house were added to **HR 180** as signers thereof.

HR 135 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 135**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Hunter,

HR 135, In memory of Bill Tippen.

The resolution was unanimously adopted by a rising vote.

On motion of Representative B. Turner, the names of all the members of the house were added to **HR 135** as signers thereof.

HR 79 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 79**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Hunter,

HR 79, In memory of Richard Dillard.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Counts, the names of all the members of the house were added to **HR 79** as signers thereof.

HR 78 - ADOPTED

Representative B. Hunter moved to suspend all necessary rules to take up and consider at this time **HR 78**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

By B. Hunter,

HR 78, In memory of Harold Crawford.

The resolution was unanimously adopted by a rising vote.

On motion of Representative Rusling, the names of all the members of the house were added to **HR 78** as signers thereof.

(Speaker in the chair)

HR 197 - ADOPTED

Representative Torres moved to suspend all necessary rules to take up and consider at this time **HR 197**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Torres,

HR 197, Congratulating Josephina Rodriguez Cuevas on the occasion of her 85th birthday.

The resolution was adopted without objection.

HCR 61 - ADOPTED

Representative Sadler moved to suspend all necessary rules to take up and consider at this time **HCR 61**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Sadler,

HCR 61, Designating February 22, 1995, as Rusk County Day.

The resolution was adopted without objection.

HCR 63 - ADOPTED

Representative Sadler moved to suspend all necessary rules to take up and consider at this time **HCR 63**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Sadler,

HCR 63, Designating February 23, 1995, as Panola County Day.

The resolution was adopted without objection.

PROVIDING FOR ADJOURNMENT

Representative Heflin moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, February 20.

The motion prevailed without objection.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By De La Garza,

HB 1276, A bill to be entitled An Act relating to the disposition of a person committed to the Texas Youth Commission under a determinate sentence.

To Committee on Corrections.

By S. Turner,

HB 1277, A bill to be entitled An Act relating to a review of constitutionally dedicated funds by the Funds Review Advisory Committee.

To Committee on Appropriations.

By Madden and Telford,

HB 1278, A bill to be entitled An Act relating to credit in the Teacher Retirement System of Texas for out-of-state service.

To Committee on Pensions and Investments.

By Madden,

HB 1279, A bill to be entitled An Act relating to education of parties to a suit affecting the parent-child relationship regarding the effect of divorce on children.

To Committee on Juvenile Justice and Family Issues.

By Duncan,

HB 1280, A bill to be entitled An Act relating to certain acts of unfair discrimination in the business of insurance.

To Committee on Insurance.

By Duncan,

HB 1281, A bill to be entitled An Act relating to the operation of cable TV systems by general law municipalities.

To Committee on Urban Affairs.

By West,

HB 1282, A bill to be entitled An Act relating to the disposition of paging devices confiscated from public school students.

To Committee on Public Education.

By Junell,

HB 1283, A bill to be entitled An Act relating to membership in the employee class of the Employees Retirement System of Texas and to establishment of membership service not previously established.

To Committee on Pensions and Investments.

By Solis,

HB 1284, A bill to be entitled An Act relating to the designation of the mental health and mental retardation authority for Cameron County.

To Committee on Public Health.

By Solis,

HB 1285, A bill to be entitled An Act relating to the creation of the Commission on Bail Enforcement Agent Standards and Education and the regulation of the practices of bail enforcement agents.

To Committee on State Affairs.

By Counts.

HB 1286, A bill to be entitled An Act relating to the removal of the Guadalupe-Blanco River Authority from the application of the Texas Sunset Act.

To Committee on Natural Resources.

By Place,

HB 1287, A bill to be entitled An Act relating to the adjudication and disposition of children who engage in conduct punishable by a determinate sentence, including violent or habitual juvenile offenders.

To Committee on Juvenile Justice and Family Issues.

By Place,

HB 1288, A bill to be entitled An Act relating to the files and records of children who engage in delinquent conduct or conduct indicating a need for supervision.

To Committee on Juvenile Justice and Family Issues.

By Patterson,

HB 1289, A bill to be entitled An Act relating to a reporting requirement applicable to certain financial institutions.

To Committee on Financial Institutions.

By Danburg,

HB 1290, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault.

To Committee on Criminal Jurisprudence.

By Giddings,

HB 1291, A bill to be entitled An Act relating to reports by banks concerning the availability of capital to certain small businesses; providing a civil penalty.

To Committee on Financial Institutions.

By Giddings,

HB 1292, A bill to be entitled An Act relating to the definition of a small business.

To Committee on Business and Industry.

By Carter,

HB 1293, A bill to be entitled An Act relating to the liability of entities that provide address database information for 9-1-1 services.

To Committee on Civil Practices.

By Finnell,

HB 1294, A bill to be entitled An Act relating to the duties of a clerk of a justice court.

To Committee on Judicial Affairs.

By Clemons,

HB 1295, A bill to be entitled An Act relating to the regulation of certain securities.

To Committee on Pensions and Investments.

By Coleman,

HB 1296, A bill to be entitled An Act relating to student fees for the University Center at the University of Houston.

To Committee on Higher Education.

By Rodriguez, et al.,

HB 1297, A bill to be entitled An Act relating to the minimum wage.

To Committee on Economic Development.

By Carona,

HB 1298, A bill to be entitled An Act relating to access to criminal history record information by the banking commissioner.

To Committee on Financial Institutions.

By Carona,

HB 1299, A bill to be entitled An Act relating to transaction fees for shared electronic terminals.

To Committee on Financial Institutions.

By Hilbert, Hamric, and Brady,

HB 1300, A bill to be entitled An Act relating to certain annexations by a municipality with a population of more than 1.5 million.

To Committee on Land and Resource Management.

By Swinford, Davis, Johnson, Romo, Kubiak, et al.,

HB 1301, A bill to be entitled An Act relating to the membership of the State Advisory Committee on Child-Care Administrators and Facilities.

To Committee on Human Services.

By Greenberg,

HB 1302, A bill to be entitled An Act relating to the powers of the Tanglewood Forest Municipal Utility District.

To Committee on Natural Resources.

By Torres,

HB 1303, A bill to be entitled An Act relating to fire and police grievance procedures in certain municipalities.

To Committee on Urban Affairs.

By Torres,

HB 1304, A bill to be entitled An Act relating to the management of petty cash in counties with a population of 2,000,000 or more.

To Committee on County Affairs.

By Gray, Black, and Wilson,

HB 1305, A bill to be entitled An Act relating to the continuation and functions of the Texas Racing Commission and to the transfer of certain commission functions to the Texas Department of Commerce.

To Committee on Licensing and Administrative Procedures.

HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Culberson,

HJR 10, A joint resolution proposing a constitutional amendment relating to the support and maintenance and an efficient system of public schools.

To Committee on Public Education.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Stiles, Price, and Hochberg,

HCR 85, Renaming the Hollywood Workcenter as the Ben Rogers Employment Training Facility.

To Committee on State Affairs.

By McCoulskey,

HR 187, Congratulating the Willowridge High School boys' basketball team.

To Committee on Rules and Resolutions.

By Madden and McCall,

HR 188, Congratulating the Plano East High School football team on a successful season.

To Committee on Rules and Resolutions.

By Madden and McCall,

HR 189, Congratulating Plano East High School on winning Redbook's America's Best Schools Project Award.

To Committee on Rules and Resolutions.

By Delisi,

HR 192, Honoring the University of Mary Hardin-Baylor on the occasion of its sesquicentennial.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 189 to Committee on State Affairs.

SB 260 to Committee on Urban Affairs.

SB 299 to Committee on Urban Affairs.

SB 393 to Committee on Energy Resources.

ADJOURNMENT

In accordance with a previous motion, the house, at 11 a.m., adjourned until 10 a.m. Monday, February 20.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

House Administration - **HB 2**

Ways and Means - **HB 735**

ENROLLED

February 15 - **HCR 79, HCR 80, HCR 82, HCR 84**

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